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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,837	11/15/2005	Dieter Ramsauer	135-408-2033	3764
20/999 7590 10/26/2010 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
DELSLE, ROBERTA S				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
10/26/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,837

Applicant(s)

RAMSAUER, DIETER

Examiner

ROBERTA DELISLE

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 34-62 is/are pending in the application.
- 4a) Of the above claim(s) 34-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/9/2010 have been considered but are moot in view of the new ground(s) of rejection. **THIS IS A FINAL ACTION.**

2. Claim Status:

- | | | |
|----|--------------------|-------------------|
| a. | Claim 32 | Currently Amended |
| b. | Claims 34-62 | Withdrawn |
| c. | Claims 1-31 and 33 | Cancelled |

3. Prior Art References:

- | | | |
|----|---------|--------------|
| d. | Smith | US 5,632,061 |
| e. | Gullong | US 1,538,320 |

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 5,632,061) in view of Gullong (US 1,538,320).

Regarding claim 32, Smith discloses a handle (abstract) comprising:

at least one holding plate (17) which can be mounted in an opening (14, 15) in a thin wall (22) such as a sheet-metal cabinet door;

a head part (12), such as a flange or olive-shaped handle, for overlapping a rim of the opening (14, 15) of the thin wall (22) on its outer side; **except for** a body part which proceeds from the head part and can be pushed through the opening in the thin wall; and

a holding part which is carried by the body part, supported on the other side of the thin wall, and is separate from the body part;

wherein said holding part is formed by two holding elements which project in a flexible manner from the body part in the direction of its outer surface, each of the holding elements having a free end which has an inclined surface for supporting the body part on the rim or edge of the opening without play;

wherein the two holding elements are arranged diametrical to one another and are acted upon by two coil springs; and

wherein the inclined surface of each holding element is inclined with respect to a surface of the other side of the thin wall.

However, Gullong teaches a body part (3) which proceeds from the head part and can be pushed through the opening (fig. 4) in the thin wall (1); and

a holding part (7, 8) which is carried by the body part (3), supported on the other side of the thin wall (1), and is separate from the body part (3);

wherein said holding part (7, 8) is formed by two holding elements (7) which project in a flexible manner from the body part (3) in the direction of its outer surface (fig. 4), each of the holding elements (7) having a free end (8) which has an inclined

surface (fig. 4) for supporting the body part (3) on the rim or edge of the opening without play (fig. 4);

wherein the two holding elements (7) are arranged diametrical to one another (fig. 4) and are acted upon by two coil springs (11); and

wherein the inclined surface (8) of each holding element (7) is inclined (fig. 4) with respect to a surface of the other side (fig. 4) of the thin wall (1).

Examiner notes that Smith discloses the claimed invention except that the locking members are a flexible material instead of a latching mechanism with holding elements that are flexible by the use of two coil springs. Gullong shows that the latching mechanism is an equivalent structure known in the art. Therefore, because these two fastening elements were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the latching mechanism of Gullong for the locking member of Smith.

Examiner further notes for clarification purposes, the locking member of Smith would be replaced with the latching mechanism of Gullong. The latching mechanism would be placed on the end of the handle of Smith and then placed in the hole. Naturally, one of ordinary skill in the art would make the appropriate modifications to both the handle and the receiving hole of Smith for the proper orientation and hole size in a component (i.e. sheet metal).

It would have been obvious to one having ordinary skill in the art at the time the invention was made, to comprise a plurality of coil springs, as it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

St. Regis Paper Co. v. Bemis Co., 193 USPQ 8. See also, MPEP § 2144.05 which states: *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) (Claims at issue were directed to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. The claimed water seal has a "web" which lies ** in the joint, and a plurality of "ribs" ** >projecting outwardly from each side of the web into one of the adjacent concrete slabs. <The prior art disclosed a flexible water stop for preventing passage of water between masses of concrete in the shape of a plus sign (+). Although the reference did not disclose a plurality of ribs, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA DELISLE ("Bobbi") whose telephone number is (571) 270-3746. The examiner can normally be reached on M-F 8 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272- 6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Victor D. Batson
Supervisory Patent Examiner
Art Unit 3677